THE VIRGINIA GAZETTE, AND GENERAL ADVERTISER.

RICHMOND—PRINTED (EVERY WEDNESDAY AND SATURDAY) BY AUGUSTINE DAVIS—AT FOUR DOLLARS PER ANNUM, PAID IN ADVANCE.

No. 1221.] SATURDAY, JUNE 23, 1804. [VOLUME XVIII.

In pursuance of the direction contained in the annexed 6th section of the act, entitled, "An act for incorporating the Bank of Virginia," the undersigned commissioners in and for the city of Richmond, do hereby give notice, that

THE sum of three hundred thousand dollars has been actually received on account of the capital stock of the said bank—and that Thursday the 5th of July ensuing, is the day appointed for proceeding to the choice of directors—on which day the stockholders are requested to meet at the capitol, at ten o'clock, for that purpose.

E. CARRINGTON.
ROBERT POLLARD.
GEO. JEFFERSON.
PHILIP NORBORNE NICHOLAS.
THOMAS RUTHERFOORD.
BENJAMIN HATCHER.
JAMES F. LEITCH.

June 11, 1804. t5July

Sec. 6. *And be it further enacted*, That on the first day of June next, and every thirty days thereafter, if the subscription shall not be sooner closed, the commissioners appointed at Norfolk, Petersburg, Fredericksburg, Winchester, Staunton and Lynchburg, shall respectively transmit and deliver to the commissioners appointed in and for the city of Richmond, a list of the several subscribers, at such places respectively, and of the share or shares to each and every subscriber belonging, together with the full amount of subscription money by the commissioners respectively received as aforesaid; for which amount the receipt in writing of the said commissioners appointed in and for the city of Richmond, or of a majority of them, shall be a sufficient acquittance and discharge to the persons respectively paying the same. And as soon as the sum of three hundred thousand dollars, in the manner aforesaid shall be actually received on account of the subscription to the said capital stock of the said bank, notice thereof shall be given by the commissioners appointed in and for the city of Richmond, or a majority of them, in at least two public gazettes, printed in the said city of Richmond; and the same persons shall at the same time, notify a time and place within the said city, at the distance of twenty days from the time of such notification, for proceeding to the choice of directors; and it shall be lawful for such election to be then and there made; and the fourteen persons who shall then and there be chosen, together with the Treasurer for the time being, shall be the first directors, and shall be capable of serving until the first Monday in January thereafter, by virtue of such choice, or until their successors shall be duly elected: and the said directors shall forthwith, thereafter, commence the operations of the said Bank, at the city of Richmond.

By virtue of a Decree of the Court of the United States for the 5th Circuit in the Virginia district, bearing date the 3d day of December, 1803, in behalf of John Glassell, against William Walker, James Walker, Merry Walker, and John Walker,

WILL BE SOLD,

to the highest bidder, for ready, at Kanhawa court house, on the 24th day of August next, the following Tracts of

LAND,

—VIZ—

ONE, granted to William Walker on the 3d of May 1786, containing 112 1-4 acres, on Elk river, a branch of the Great Kanhawa, about 6 miles from the mouth, opposite to a survey made for Leonard Cooper and Wm. Morris, at the mouth of the second creek that empties into Elk on the South side.

One other Tract, granted to said William Walker on the 26th May 1788; containing 500 acres, on the head waters of the left hand fork of a creek emptying into Elk river on the North West side, at the shallow ford, about 4 or 5 miles from the mouth of said river, adjoining a survey made for said Walker.

One other Tract, granted to the said William Walker on the 27th of May 1788, containing 200 acres, on the North side of Elk river, the third bottom above the mouth of Sandy Creek.

One other Tract, granted to the said William Walker on the 26th May 1788 containing 770 acres, on Elk river, on the South East side, about a mile from its mouth.

One other Tract, granted to the said Wm. Walker on the 27th of May 1788, containing 100 acres, on the North side of Elk river, the fourth bottom above the mouth of Sandy Creek, on the same side of the river.

One other Tract, granted to the said Wm. Walker on the 26th May 1788, containing 1000 acres, on a left hand branch of a creek emptying into Elk river on the North West side, opposite to the first island on said rive.

One other Tract, granted to the said Wm. Walker on the 26th of May 1788, containing 200 acres, on the South side of Elk river, the third bottom on the river above William Arbuckle's land, opposite the mouth of Sandy Creek.

The whole of the above mentioned land, at the time it was surveyed, lay in the county of Greenbrier; all of which will be sold, or so much thereof, as shall be sufficient to raise the sum of four thousand one hundred and ten dollars, 38 cents, with interest on 2798 dollars 78 cts. at 5 per centum per annum from the 22d March 1799; and

The costs of suit and carrying this decree into effect.

BENJAMIN MOSBY, Acting Comm'r.

June 7th, 1804. (tds.)

NOTICE,

TO THOSE WHOM IT MAY CONCERN,

THAT Lucy Randolph, relict of the late Henry Randolph, dec. of Warwick, hath obtained from the honorable the general court, letters of administration on the decedent's estate; and in pursuance of the powers and duties thereof, requests that all persons having claims against the same, may forthwith present them legally authenticated, to

D. M RANDOLPH,
Agent for the Administratrix.

Richmond, 18th June, 1804. o3w5w

Blank Bonds
FOR SALE AT THIS OFFICE.

SLATE QUARRIES!

THE late distressing fire in Norfolk, as well as several others in other large and wealthy commercial towns (which no doubt will incline the sufferers in houses, to seek for covering sin rebuilding, the most secure against the external approaches of that, too often dreadful element) induces the subscriber once more to offer for sale, his

SLATE QUARRIES;

Lying on James River, near the mouth of Slate River, about sixty miles above the city of Richmond.—The quality of this Slate, the subscriber ventures to affirm, has never been surpassed by any yet discovered: and the quantity will not be doubted, when viewed by any one a judge in that article. The situation of these Quarries, immediately on navigable water, and their scarcity in other quarters, particularly in similar situations, giving almost the entire monopoly in this country to their owner, render them an object worthy the attention of the enterprizing and industrious.—They may be had for any kind of secure and productive paper or other property—as the subscriber's situation and the other avocations render it inconvenient for him to attend to their working—But, should they not be immediately disposed of in the manner proposed, which he confesses he would prefer for the reasons assigned, the subscriber proposes working them to a considerable extent, as soon as suitable workmen can be obtained from the northern states—when he entertains not the slightest doubt (from the circumstance of the navigation from the very quarries) he will be able to furnish Slate at a much cheaper rate than that article is now brought from Europe, or can possibly be furnished from any part of this country, where any land carriage is to be employed.

JOHN NICHOLAS.

Albemarle, June 16, 1804.

Mr. Prichard, who has seen the above Quarries, and is a judge of that article, will give any information and his opinion respecting them, to any one inclined to treat with the subscriber.

Virginia:

At a Superior Court of Chancery, holden at the capitol in the city of Richmond, 30th September, 1803.

Between

James Jameson and Richard Cameron, surviving partners of the mercantile concern of Buchanans, Hastie and Company, Plaintiffs.

and

George Crymes and James Smith, Defendants.

THIS cause, in which the bill is taken for confessed against the defendant, James Smith, upon whom an attachment for his contempt in not answering, hath been returned executed, came on, this thirtieth day of September, in the year of our Lord one thousand eight hundred and three, to be heard on the bills, answer of the other defendant and an exhibit, and was argued by counsel, on consideration whereof, the court doth adjudge and decree, that unless the defendants do on or before the 30th day of March next, pay unto the plaintiffs two hundred and sixty nine pounds, eleven shillings and nine pence of current money of Virginia, with interest thereupon at the rate of five per centum per annum, to be computed from the 28th day of February, one thousand seven hundred and eighty four, until payment, and the costs expended by the plaintiffs in prosecuting this suit, the defendants and their heirs and all persons claiming under George Crymes, deceased, be from thenceforth barred and foreclosed of all equity and right to redeem the tract of land and the Negro slaves, and the increase of the female, mentioned in an indenture, the exhibit aforesaid, bearing date the ninth day of November, one thousand seven hundred and seventy two, between George Crymes of the one part, and Buchanans, Hastie and Company, merchants in Glasgow, of the other part; and in case of default in the payment of the said principal money, interest and costs, at the time aforesaid, that Francis Eppes, Peter Eppes, William Cowan and George Craghead, or any two of them, after giving three weeks previous notice in one or more newspapers printed in the town of Petersburg, do expose to public sale, by auction, for ready money, the land and slaves with the increase of the female, in the said indenture mentioned—and out of the proceeds of sale, pay unto the plaintiffs their said debt, interest and costs, and the surplus, if any, after deducting the expences attending the sale, pay to the defendants, and make report thereof to the court; but liberty is reserved to the defendants to shew cause against this decree in the term next after service thereof.

Plaintiff's costs, cl'k and sh'ff's fees and tax, $ 21 42
and fee, 16 6

A Copy—Teste,

P. Tinsley, C. C.

Virginia:

At a Superior Court of Chancery, holden in Richmond, March the 27th, 1804,

BETWEEN

James Jameson and Richard Cameron, surviving partners of the mercantile concern of Buchanans, Hastie and Company, *Plaintiffs,*

AND

George Crymes and James Smith, *Defendants.*

ON the motion of the plaintiffs, by their counsel, the court adjudgeth, and so directeth, that a publication of the decree pronounced in this cause the thirtieth day of September last, for eight weeks successively in one of the Richmond newspapers, be considered as the service of the said decree, as to the defendant George Crymes.

A Copy—Teste,

PETER TINSLEY, c. c.

To Rent,

And possession given immediately,

A CONVENIENT and pleasantly situated DWELLING-HOUSE, with two Kitchens and Smoke-House, on the street leading from Shockoe Creek to the Canal Basin, and adjoining the lot and dwelling-house of Mr. William Mitchell.

Also, to rent, two BRICK TENEMENTS, on the street leading to Col. Mayo's Bridge, which will be very convenient for wholesale and commission merchants. Possession of these two Tenements will be given when finished, which is supposed will be in all next month. The terms will be made known by

JAMES INNES.

Richmond, June 7th, 1804.

GENERAL OFFICE OF ASSURANCE.

Richmond, 11th June, 1804.

To all whom it may concern.

KNOW ye, that whereas a sufficient number of the members of the Mutual Assurance Society against Fire on Buildings of the state of Virginia, under the twentieth article of the Rules and Regulations of the said Society, have requested that a General Meeting of the society should be called in the month of July next, and previous to the payment of the quota called for becoming due. The members of the said Mutual Assurance Society are hereby called on to make a general meeting, that is, a majority of the members to be present in person or by proxy, duly authorised for the purpose, on Monday the 30th day of July next, at the Capitol in the city of Richmond, at the hour of twelve o'clock.

w3t W. FOUSHEE, President.

ELLIS & ALLAN,

Have received from London, Liverpool and Bristol, a neat and valuable assortment of

SPRING GOODS.

The London *Critical Review*, or *Annals of Literature*, from the year 1791 till 1803, bound in boards, 39 vols. and 30 Numbers of *Ladies' London Magazines*.

June 12th, 1804.

From the Frederick-Town *(Maryland)* Herald *of March 24th,* 1804

COL. BUTLER'S TRIAL.

The well known and established reputation of the officer implicated—the honorable interest in his behalf, unconfined even by the limits of party distinction—and a variety of independent circumstances, have all conspired to produce in an uncommon degree, and to keep alive general attention and curiosity in every part of the union, as to this case, of which it is at last in our power to announce to the public a complete and authentic statement. By recurring to our Journal for December last, it will be found, that on Monday the 21st of November, the General Court Martial, ordered for the trial of Col. T. Butler assembled in this town; that the Court, of which a correct list was then given, proceeded to business on the Wednesday following; that on Monday the 5th of December, the testimony having been gone through with and closed on both sides, Col. Butler's defence was delivered to the Court; and on the next day, Tuesday, the 6th, the Court concluded their determination. The long interval of suspense for more than three months which have elapsed since the Court decided, without the sentence having been made known, or the proceedings returned by Gen. Wilkinson, the arresting officer, and Commander in Chief, to whom they were transmitted, induced Col. Butler, who has waited the intermediate while at this place and at Washington, to apply to the Secretary at War on the subjects, from whom he derived the information on which we are now permitted to publish. Before presenting the defence, and the sentence of the Court, it seems proper, however, and more agreeable, without regarding the order of time, first to offer Col. Butler's letter to the Secretary of War which led to a knowledge of the sentence, and the correspondence which followed an immediate connection.

City of Washington, Feb. 23d, 1804.

SIR,

The lapse of time that has taken place since the close of my trial, at the town of Frederick, has laid me under the necessity of once more addressing you on that unpleasant subject.

In your favor of the 19th of December last, you gave me to understand that I might expect a return of the proceedings of my trial, in twenty or twenty-five days from that date. Sixty-five days have passed off without my having received any further information whatever. This unexpected delay in the promulgation of the proceedings, has added much to my impatience. 'Tis true, sir, my situation may excite no great degree of sympathy—yet it certainly demands attention and justice, which is all I seek for. Then, permit me to request of you, to state my case to the President of the United States, as I cannot suppose, that he can be in possession of the merits of my trial, and suffer such a load of injuries as have been heaped on me, to remain so long unremoved. It is now nine months since my arrest took place, at Fort Adams, on the Mississippi, from which post I was ordered to the state of Maryland for trial, and after having performed a journey of upwards of fifteen hundred miles in the heat of summer, my trial was put off, from the 10th of September to the 20th of November, which delay I bore without complaining, and I now appeal to the feelings of every man of sense and honor, to say, if the treatment which I have received since the commencement of that business, has not been such, as the principles of honor, and the laws of my country will not sanction.

I am with respect,
Your humble servant,
THOMAS BUTLER,
Col. 2d Regt. Inf.

The Hon. Henry Dearborne,
Secretary of War.

In consequence of the above letter, major Rogers was directed by the secretary of war to wait on col. Butler, and know if he would dispense with the secretary's making a statement of his case to the president until after the arrival of another mail from New-Orleans, which was assented to. Another mail having arrived without bringing any intelligence relative to his case from general Wilkinson, col. Butler was invited to an interview with the secretary on the 4th inst. who stated that as "he had before that received a letter from the general, dated the 24th January, announcing that he had received and approved of the sentence of the general court martial, relative to col. Butler, and that the sentence would be published in orders within a day or two after the said date, there could of course be no impropriety in his (the secretary's) having the colonel know the nature of the sentence." (We have been thus particular, at the request of col. Butler, who is now in Frederick, as to the language used by the secretary; because in the colonel's appeal to the president, which follows, the ground on which the secretary of war deemed himself justifiable in making known the sentence does not appear as accurately and as fully as he might himself wish.) The secretary then related the decision of the court, such as the reader will presently see it. Whereupon col. Butler observed, that if the court had found him guilty of disobedience under the first specification; for not cutting off his hair agreeably to the general's order, they must have judged from the letter of the order, without taking into view whether the order was legal or not, that he could not submit to the decision without an appeal to the president of the United States, and asked if he was at liberty to use the information, which the secretary had been pleased to communicate, as the foundation for such an appeal.—This was granted—and the following letter was then addressed to the secretary, accompanied by the appeal, to be delivered in form to the president.

City of Washington, March 4th, 1804.

SIR,

I have the honor of enclosing a letter addressed to the president of the United States, which, I will thank you to deliver in that form, deemed by you most respectful. It is open, that you may have an opportunity to examine the first part, to see if correctly stated.

I am, sir, with respect,
Your humble servant,
THOMAS BUTLER,
Col. 2d Regt. Inft.

The Hon. Henry Dearborne,
Secretary of War.

His Excellency the President of the United States.

SIR,

Before entering on a subject, to the merits of which I must beg leave to solicit your excellency's attention; it will be necessary to state as a data, that on the 4th inst. the hon. the secretary of war, honored me with a conversation in his office, respecting my late trial. After his having expressed much surprize why the commanding general had so long withheld the promulgation of the proceedings, he observed, that as the general must have acted on those in my case before that period, he could not conceive that there was any impropriety in his informing me, that I stood acquitted by the court, of all the charges exhibited by the general, except the first specification, viz. "Disobedience to the general order of the 30th of April, 1801, regulating the uniform of the hair."

Taking for granted, sir, that this is the state of the case; I have reason to suppose from the decision, that the court decided on the letter of the order, without having taken into view, whether the order itself was of such a nature, and so supported by legal authority, as to render obedience indispensable. Presuming that the court had not taken into view the latter position, I feel myself impelled by self respect, to appeal to your excellency, from the decision of the court, with a hope, that you will be pleased to re-consider the merits of that specification.

I feel sensible, sir, how delicate this subject is, and I, with every military man, must intimately feel how unfortunate it is, that any general order should render its discussion indispensable. Yet I hope and trust, that it never will be conceded, that any citizen entering into the military service of his country, thereby puts himself out of the protection of the laws, that his honor, his conscience, his moral principles, his private and natural rights are no longer under his own guardianship, but surrendered up to whomsoever may be his military superior. With deference, sir, I have at all times believed, that the power given to every officer by his commission, is the authority of the laws and constitution of his country, vested in him as the legitimate organ. The expression then of the superior officer's will, whilst confined to subjects over which the laws have given him authority, is the command of the law itself, and must be implicidly and promptly obeyed. But if directed to subjects over which the laws have given him no authority, but which on the contrary the laws and constitution of the United States, have secured as inviolable to every citizen, whether in a civil or military capacity, then I contend, please your excellency, that the order of the 30th of April, 1801, being unsupported by legal authority, contains not the essence of a military command. And had the court entered into an investigation of the legal merits of that order, they could not have held it in any other point of view, than the expression of will from one individual to another, which no duty requires him to respect, and no power compels him to obey.

I would fondly hope, please your excellency, that it will not be said, such principles as these are subversive of military subordination; for I flatter myself, that my character as an officer is so well established, as not to admit a doubt of my obedience to the orders of superiors in rank, and at all times to have paid implicit obedience to the laws of my country.

Experience, please your excellency, has taught me to believe, that the proper exercise of legal authority is sufficiently comprehensive for every purpose of military duty, that the power given to superiors is large enough to embrace every possible case the public service could require. But if it were not, still the powers of a general must be circumscribed by the laws, else the consequence would be, that his will alone would bound his authority, whether it directed the execution of things moral or immoral, treasonable or patriotic, honorable or base.

I presume that I am correct, sir, in observing that it is the indispensable duty of every officer placed over others in command, never to pass those limits, which the laws of good sense, sound policy, morality, religion and of his country, must give to all delegated authority. That the order of the 30th of April, 1801, surpassed these limits, never was a question with me; because the proper and constitutional authority of the U. S. had made rules and regulations for the government of the army, which I conceived were as imperative to the commanding general, as to the centinel at his door. These acts as distinctly mark the power of the one, as the duty of the other. The one becomes criminal, if he exceeds his authority; the other, when he performs his legal duty, should have nothing to fear, but receive the ample protection of the laws of his country. Has then congress by Acts, given power to any military officer, to compel an inferior in rank to any act of mutilation, to deprive himself of any private or natural right; I think, I may with safety answer no—there are no such acts; there has been no such power delegated; and when any officer, by an order, attempts to legislate on subjects not submitted to his authority, he usurps that authority which the constitution vests in congress alone.

I hope your excellency will pardon any expressions that may appear too strong in this address, and impute them to their true cause, namely, to the feelings of a man smarting under a load of oppression; view him, sir, as ordered by his commanding general from one of the most extreme posts of the United States, to the state of Maryland for trial, upwards of fifteen hundred miles, kept near ten months in a state of suspense, and at an expence too heavy for any officer to bear; and all this in direct violation of the 23d article of the Appendix to the Rules and Articles of War; as there was many intermediate posts. Permit me to observe, sir, if a general can assume such authority as this, he has it completely in his power to ruin any officer in the army.

Let me hope, sir, that you will take into consideration the merits of the specification before alluded to, and by turning to my defence on that part of the charge, you will see my reasons for not conforming to that order, without troubling your excellency with any further details.

I am, respectfully, your
Excellency's humble servant,
THOMAS BUTLER,
Col. 2d Regt. Inf.

City of Washington, March 8th, 1804.

It may here be right to remark, that the 23d article of the Appendix to the Rules and Articles, referred to in the preceding letter, as having been violated in the treatment dealt to col. Butler, is in these words:—

"*Article 23d.*—The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court martial, shall in all cases which require the cognizance of such a court, report to the commanding officer of the detachment, *who shall order a court to be assembled at the nearest post or detachment*, and the party accused, with the necessary witnesses, to be transported to the place where the court shall be assembled."

In answer to his representation of appeal to the president, the secretary of war returned col. Butler the following reply—

War Department, March 14, 1804.

SIR,

The memorial accompanying your letter of the 10th inst. was in conformity with your request, presented to the president of the United States, who referred it to the the secretary of war for his decision thereon. It has therefore become his duty to make such observations on the subject of said memorial, as the nature of the case requires. Presuming it to have been your intention, that your memorial should be considered in the nature of an appeal from the sentence of the general court martial, to the president of the United States, which sentence had been approved by the proper officer—It will only be necessary to observe, that there exists no law, custom or usage, within the knowledge or recollection of the secretary of war, by which the president is authorised to take cognizance of such an appeal; although the president of the United States has by law ultimately to decide on proceedings of court martials in certain cases, it does not appear that he possesses any legal controul over the sentence of any court martial duly approved by the proper officer, except by interposing the constitutional powers confided to him of pardoning offences.

I am, respectfully,
Your humble servant,
H. DEARBORNE.

Col. Thomas Butler.

The president having thus declined an interference with the sentence of the court martial, the sentence remains as it was, such as we are now enabled to extract it from a copy of the minutes of the court, with which col. Butler was furnished a few days since, by the politeness of the secretary of war. It is unnecessary here to insert the charges and specifications against col. Butler, to which the sentence applies, because they will be found precisely quoted in the opening of his defence. Nor is it necessary to report the evidence on which the sentence was founded, because the evidence was all written, and is particularly detailed in the defence, and because on the specification for not cutting off his hair, the only one which affects col. Butler in the opinion of the court, there was no evidence offered and none required as to the mere fact of his not having conformed to the general's pleasure in that particular.

Frederick-Town, Dec. 6, 1803.

The court after mature deliberation are of opinion that the prisoner is guilty of disobedience of the general order of the 30th of April, 1801, and (taking into consideration his long and faithful services, and his general character as an officer) do sentence him, under the fifth article of the second section of the Rules and Articles of War, to be reprimanded in general orders.

The court are also of opinion, after due investigation, that the prisoner is not guilty of the second and third specifications, and that he did according to the true intent and meaning of the orders of the 9th of April, 25th of May, and 8th of June, 1803, faithfully perform his duty, and do therefore acquit him.

The court then adjourned to 10 o'clock, to-morrow morning. J. BURBECK, President.

December 11th, 1803.

JAMES HOUSE, Judge Advocate.

Such is the sentence of the court martial, in the latter part of which, we believe there will be a general sentiment of concurrence throughout the country in favor of the party acquitted. In estimating the former part of the sentence, which is a conviction of disobedience to a certain alledged order from the commander in chief, it would perhaps be difficult to resort to any better standard than the very clause of the Rules and Articles of War, which the court have referred to. By the 5th article of the 2d section of those rules, it is declared that,

"Any officer or soldier who shall strike his superior officer, or draw or shall lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence, whatever, or shall disobey *any lawful command*, of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him, by the sentence of a court martial."

By this article it appears that, with respect to the "command of a superior officer," an inferior is punishable only for disobedience to "any LAWFUL command," which is an express confirmation of the principles and the whole reasoning maintained in the defence on that subject. Hence it results that if the court did not take into consideration the *lawfulness* of the general order for cutting off the hair, they certainly proceeded on a mistaken notion, and their sentence thereon is essentially imperfect. If they did investigate the *lawfulness* of the order, it now only becomes a question between them and the world, whether or not their judgment was right. The effect of that sentence cannot from its nature go in the least degree to impeach the honor or tarnish the fame of col. Butler, which are indeed of themselves above the reach of injury or suspicion. The least favorable view possible, as it regards him, is, that the officers on this court have deemed him wrong in not yielding submission in an instance to which it is impossible, under his impressions, that he should accede. What those impressions are, may already have been collected from the correspondence above, and they are further displayed at large in his defence, together with the motives of his whole conduct in a regular train of justification on this and every other action arraigned in the copy of arrest, under which he was tried.

"On Monday the 5th Dec. (as mentioned in No. 78 of the Herald) col. Butler attended by his counsel, John Hanson Thomas, esq. presented his defence, which was in part read by himself, and the remainder, (owing to his indisposition from a severe cold) the court permitted to be read by his counsel, which lasted altogether upwards of an hour."

DEFENCE.

Mr. President, and Gentlemen of the Court,

In claiming your solemn attention to the defence which I shall proceed to offer against the charges, that form the cause of my arrest by the commander in chief on the 22d day of May last, and which have been fully exhibited to you, I shall be equally studious of brevity and decorum, and trust that I shall not appear to have said more than was necessary and proper for the occasion before you. The charge under which I am arraigned is twofold—1st, Disobedience of order,—and 2ndly, Neglect of duty. Of the first charge, there are two specifications—

1st. For disobedience of the general order of the 30th April, 1801, regulating the uniform of the hair, as will appear from the said order, and his (the colonel's) correspondence held with the commanding general during the month of May last, [illegible]

2d. For disobedience of the order of the president of the United States, communicated to him (the col.) thro' the regular constitutional channel by the inspector of the army, on the 9th of April, 25th of May, and 8th of June, 1802, as will appear from the letters of the colonel, addressed to the secretary of war, May the 18th, 1802, (meaning the 19th) and to the commanding general on the 7th, and 19th August, 1802, and by other testimony." Of the second charge, there is a single specification, as follows:

"3d. For neglect of duty, in not descending the Mississippi, to take command of Fort Adams, and organize the troops agreeably to the peace establishment and according to the above orders of the president of the United States, but proceeding to Pittsburg with a military command on his private business, and without permission, as will also appear from the correspondence above referred to, and other testimony."

To these I have plead, generally, not guilty; under which plea, it can hardly be necessary to remind you, gentlemen, I am not confined merely to disapproving the circumstances alledged in the specifications, nor do I thereby only undertake to deny the existence of those circumstances, but am also at liberty either to shew, that they do not amount to the offences charged, or to offer any special matters of justification whatever. And indeed with regard to the first specification, which respects the "general order regulating the uniform of the hair," the nature of the defence will be entirely justificatory; for there is no dispute about the facts—it being admitted and proved, that on the 30th of April 1801, the commander in chief did issue an order, purporting, that, "for the accommodation, comfort and health of the troops, the hair is to be cropped without exception, and the general will give the example;" that by an after order, on the 2d of August following, I was made an exception, and had permission to wear my hair; that afterwards in the month of May, 1803, I was requested to conform to the first order in the above mentioned correspondence with the general; which terminated with my declining to comply therewith, and a consequent arrest. I say, gentlemen, a consequent arrest, because from the whole tenor of that correspondence, and from all testimony in the case, it must be evident, that however it has been deemed advisable to combine with that matter other charges of more seeming importance, the true and immediate cause of the general's displeasure was the non-compliance with his order for cropping the hair, which alone produced my arrest, and has subjected you and the government to the trouble and expence of the present trial. In an affair so trifling then, as it may perhaps be viewed, I might be asked, why not, as a reasonable man, rather acquiesce, even if I did not conceive the order binding, than permit such serious and unnecessary difficulties? But though I can anticipate the question, it is out of my power to answer it without introducing motives and considerations on which it is not the office of this court in its legal capacity to decide.—Suffice it to say, that I felt myself in a situation in which acquiescence would have been dishonor, and that my conduct, supposing it a matter of discretion, was no less guided by my own honest sense of propriety, than as a matter of right I hope and trust it will be sanctioned by your judgment. But for my own part, I will not treat the main cause of my arrest as trifling; I will not suppose that it can be a frivolous cause, since it determined my illustrious accuser on the step of convening a general court martial; nor will I pretend but that it is of sufficient moment, in case the guilt of disobedience is established, to subject me to the severest condemnation, which no mercy, no character, no service, no time, nor even a life of duty in the armies of my country, should be allowed to ward off or mitigate. All I request is, that this heinous subject should not be allowed any additional weight from the manner in which it has been connected with other accusations, that each may be separated and stand or fall by its own merit, and that my defence may not be embarrassed by a complication of things in themselves distinct and independent of each other. Requesting this, I must at the same time acknowledge, that in the arrangement of the charges by which I am now tried, the commander in chief has been sufficiently candid, and has confirmed the remarks already made, by placing my disobedience to *his* order relative to cropping the hair *first*, instead of my disobedience to other orders of a superior authority, which last in the communications between us of last May, and particularly in his letter of arrest, seemed to hold a precedence in his mind above all others, I shall be equally candid and explicit assigning my justification with respect to that order, which is the subject of the first specification. In doing this, gentlemen, I am sorry that it becomes indispensable to premise a few observations on the nature and extent of military obligations: yet, reluctant as we must all be to enter on so delicate an enquiry, I shall endeavor to go no farther than is absolutely necessary, and not advance more than your own good sense may approve of. It must then, I apprehend, after due reflection be fully conceded, that whenever a superior authority has no right to command or prescribe, an inferior authority is not obliged to follow or obey. This principle certainly holds, whether the authority be civil or military; for there can be no possible reason why it should be true as to the one and not to the other. I am aware that the habits of our profession are apt to create a different sentiment; that with gentlemen of the army, customs and practice frequently receive the respect of laws, because seldom disputed and examined; that a vague and indefinite idea as to the force of commands, is generally spread, because in times of war and cases of emergency it is important that commands should be executed with all promptness and dispatch; that it may be thought politic also to inculcate the doctrine that a soldier's duty is implicit obedience; that often necessity indeed compels a commanding officer to assume powers which he has not, for purposes which not only gain him pardon but countenance; and moreover that from the nature of the powers, which he really and lawfully has, men are imperceptibly led into the notion that he has other powers which he really and lawfully has not. But still his authority, like all authority, has its limits, and in passing those limits, although he may conceive a voluntary compliance, he certainly is not entitled to enforce submission. You will not understand me, gentlemen, as meaning that greater powers in many respects are not given to a military officer than to a civil magistrate. That I well know. But still the powers of each are bounded, and both may be questioned and tried by the terms and extent of his warrant. In short, however, great military powers may be given, they surely cannot be greater than they are given. This certainly is reason, and argument and facts go hand in hand in support of it. Whenever therefore disobedience to an order is made a matter of investigation, there is no other mode of ascertaining whether the disobedience is criminal, than by seeing whether the order is itself lawful, or that there was a power to give it. It is not the magnitude or insignificance of the subject which determines the legality of the order; nor is an officer any more entitled to obedience when he exceeds his powers on a small occasion, than on an important one. It is the principle, and not the case, that is to govern us. In the present instance, on an order as to a circumstance comparatively so trivial as that of cutting off the hair, there may be no great interest excited in asserting the principle; but to shew that it is fixed and essential, let us raise our view to cases which might occur, and may very readily be conceived. Let us suppose then for a general to issue orders for the perpetration of an act, forbidden and punishable by the laws—nay, let us imagine him to direct the commanding officer of a regiment to put to death any officer or soldier with his own hands without trial, it will surely not be said that obedience would be a duty, nor would the order be any sort of justification to the officer obeying on a criminal prosecution for murder. So, if a general order shall command the army to act against the sovereign authority of the country, such an order would not be obeyed without incurring the pains and penalty of treason. If a general order should direct the army all to profess one religion, and that every officer and soldier should make and subscribe an oath of conformity, such an order would certainly be not binding, for liberty of conscience is secured to every citizen by the constitution. If such an order should undertake to prescribe uniformity of political opinion throughout the army, we surely should not be bound to yield under so palpable a violation of our birth-right. Should a general order any officer to resign for the purpose of promoting a favorite, or to direct the officers and soldiers to contribute any portion of their pay to any particular object or fund, the mandate might certainly be resisted, nor could it possibly be considered obligatory. Should a commander attempt by a positive order to convert an officer of the army into the mere agent of his own private business, or into the humble instrument of his pride and his pleasures, in neither case could submission be exacted or resistance condemned. In the instances just put, the acts ordered to be done are for the most part in truth flagrant wrongs. But it is not the impropriety or impolicy of such orders, which alone renders them invalid and an opposition to them innocent: it is because a commander could have no right to issue such orders; and that having attempted to controul and dictate in matters over which the laws have not invested him with power, the orders themselves could not be considered merely as an expression of the will or opinion of an unauthorised individual. This being understood, it results that a commander cannot, by mere virtue of his dignity, deprive his officers and troops without their assent of any natural right whatever, over which he has not been empowered to legislate. It will not be denied then, I imagine, that every man has a natural right to his own hair, and that it is equally his property by gift of nature as his hands, feet, ears, eyes or teeth. Of this natural appendage, indeed, as on any other, men may set a different value according to their different tastes of ornament, or ideas of comfort and convenience. To those however who may object on the score of its being a petty consideration, I would just suggest at this moment, that a similar order to the one now in question for cutting the hair, issued by Prince Edward of Britain, while serving in Canada, had the effect of producing a mutiny among his troops, which nearly cost him his life, and compelled his departure to England, and yet no soldier concerned in this mutinous disobedience was ever brought to trial, except one who had made a second attempt to kill him. Nor indeed without some authority therefor, can there be any argument why we should be constrained to respect an order for taking off the hair, more than for any act of mutilation, or for any act of privation whatever, for cropping the ears or slitting the nose, for shaving the eye-brows or drawing out the teeth. If those to whom the order is addressed choose to follow its fashion (and I am far from blaming others who may have chosen to do so in this instance) their assent then supplies the force of law. But I repeat it again that unless he can produce his power, the commander cannot compel obedience without being guilty of an act of despotic usurpation. Among the soldiery this could only tend to discontent and tumult, for they will ever expect from their superior reciprocal duties, and their obedience cannot be cheerful and efficient where he is not just or reasonable. Without correct principle in the one, there can be no regular subordination in the other; and altho' they should be arbitrarily placed beyond the protection of the laws, the fact could not establish the right, however it might excite that abhorrence which an honorable mind ever feels for tyranny in whatever shape it comes.

If therefore, gentlemen, I have not attended to the order of the 30th April, 1801, if I have not cut off my hair either from some fond whim or because unwilling to be affronted under certain peculiar circumstances with even an appearance of degradation, or perhaps because grown grey with others of my brethren in arms I have contracted some attachment for this badge of service, and am on that account now brought to trial before you, however you might think of it as philosophers, as members of this courts it is in your province to enquire whether the order disobeyed was grounded on an authorised power in the commander in chief, without which indeed it ceases to have the essential virtue of an order. On this footing he himself has placed it—this he has himself referred as a question for your cognizance in the correspondence between us previous to my arrest, where he speaks of a tribunal to determine between us, and by so doing he has in fact acknowledged all I have been contended for as the legal limitation of his powers, and the extent to which he is to be obeyed. The order itself has been recited to you. It purports to regulate the uniform of the hair, of which "the general would give the example."

On so serious an occasion, I am loth to detain you, gentlemen, for the trifling purpose of observing how loose and obscure, and how inadequate even to its own object of a *uniform* cut of the hair must an order be, that refers as a standard to the general's own crop, which few persons not under his immediate command could ever have had an opportunity of seeing. But suppose it to have been so clearly worded as to leave no room for mistake, suppose it relieved from the strange uncertainty, which is always the consequence of wandering beyond a positive prescribed rule of action, let us examine whether or not the commander in chief actually had power to issue and carry into effect any order of the sort, whatever. And here, that I may not seem precluded from contesting the point now by a possible impression that I ever did admit his power in this respect, it may first be proper to declare that in applying for permission to wear my hair after the general order appeared, it certainly was not my intention to make any such admission;—indeed you must be convinced from the whole course of the subsequent details, that I always meant to deny the power, if it should become necessary to do so. But actuated by no other motive than a reluctance to disturb the quiet and content of the army, I felt no disposition to bring on a useless controversy at the time for a right which the general was ready to grant as a privilege, the only effect of which I saw would be to dissatisfy others who themselves cared very little about conforming to the order. What it was that really induced him to withdraw that permission, or whether it is in the line of any commander's duty so to grant and revoke at pleasure, it is not for me to say. I would not be wanting in a proper respect to our common head, and I will therefore presume that his reasons were the most weighty, powerful and interesting. It is sufficient that a change in his mind, and no previous act of mine had led to the present investigation, in which no alternative is left me but to defend myself by demanding how and where the general was authorised to impose an order such as that of the 30th of April, 1801. Is he authorised by force of any thing in the terms of his commission? No! For then, gentlemen, we might all be equally authorised. Is he authorised by virtue of any general military powers? I apprehend not, since to congress the constitution allows,—"To make rules for the government and regulation of the land and naval forces," (which from time to time they have made) since by the same instrument—"The president is commander in chief of the army," and since from neither there can be produced a delegation of authority such as the one in question, even supposing it to be included in those provisions. In what way then, is the power now claimed? or did the general mean to tell us, when in his after order of the 2d of August, he asserts that "The cut of the hair is as essential a part of *military uniform* as the cut of the coat, the colour of the facings, &c." But even admitting this, and admitting for an instant an order for "the cut of the hair" to come under the power to regulate "*military uniform*," I ask, has the general in other arsicles a power to regulate our uniform? Has he ever attempted to exercise such a power in any case whatever? And when it has been his wish to introduce a change of his dress in any particular, to alter or improve any other item of uniform, has he ever tried it by any other mode than by a mere personal request or recommendation? Or can there be found in any part of the Orderly Book a command from the general about "the cut of the coat, or the colour of the facings?" If there cannot, and if however anxious in sundry other points to vary or add to our fashions, he has contented himself with a mere private expression of his wish or desire, it must surely have been because he knew himself that he had no power to issue any order whatever, to that effect. The general must have known this—because that power belonged to, and had been exclusively exercised by the president of the United States, communicated through the secretary of war. As evidence of this, I have now in my posseesion, what you must have all seen, gentlemen, a complete set of rules of "Uniform for the army of the United States, dated January the 9th, 1799, and signed by the secretary of war, "by command of the president."—This paper fully establishes the first point, even supposing "the cut of the hair an essential part of military uniform," and of course to be regulated by the same power, yet the power does not in any wise appertain to the general, but has been and is the property of a higher department: And it also establishes another point, contrary to the general's motion, that the cut of the hair is *not* an essential part of the military uniform, for in these rules not one word is said, and no direction is given about it. Indeed it is hard to conceive how that, which is a part of a man's person, should be classed as uniform with the dress which is merely a covering for his person. Or, how a natural gift or right should of course be subject to the same controul and ordinance as that which is merely artificial? Or because the proper authority can direct what sort of a coat we are to wear, or might direct that we should wear no coat at all, that therefore not only the same authority but even an inferior improper authority can direct that we shall wear no hair at all, or only so much of it as suits his taste? This, I apprehend, is no less repugnant to common sense, than it appears to have been to the general's own consciousness in issuing the order. For why employ arguments, as he did, to recommend it to favor? Whence the necessity of promising that "the general would give the example" of sacrificing his locks! And whence the use of subjoining that the "measure had been sanctioned in America by the first military characters of the British and American army, that it had been recommended by the ablest generals who have lived, and had been adopted by the best troops in the world?" Whence, I repeat, the necessity of stating all this, had not the general been conscious and aware at the time that he might persuade, but had no authority to command? Where there is authority to command, the style is generally positive and imperative—for there is no occasion for arguing, when you can force. But where it is felt that nothing more can be lawfully done than to recommend, then there may be need for observation and argument to gain a recommendatory respect. In one observation indeed, employed for that purpose, by the general, he has reminded us of a fact, which may serve strongly to confirm what I have already advanced. I mean, where he remarks that "the measure has been sanctioned by the first military characters, and recommended by the ablest generals who have lived." True! For not only the first military character, but the first character who has ever lived, I believe once sanctioned a similar measure: This is, if I recollect right, our revered Washington at some period of the revolutionary war, once "recommended" to the troops to have their hair cut—I do not precisely remember on what account, but we may be sure it was on a proper and expedient one. But general Washington did not pretend to any thing more than to *recommend*;—he did not affect to issue any positive order for this measure;—nor did he ever arrest any officer, and assemble a court martial to try him for "disobedience"—Yet, with all due deference, I presume it no disparagement to believe, that no man surely ever had a better understanding of his own duty and powers, that no man ever knew better how to perform the one and exercise the other, and that in a right sense of his own true dignity of character, he cannot even at this time be surpassed.

An irresistable inference then arises, particularly considering the urgency of that crisis, that the immortal hero and honored patriot, whose soul now rests in heaven, but whose memory will ever live, and whose faithful judgment will ever be respected, did not himself conceive that a commander had a right to enjoin any order for that purpose, except such as was merely recommendatory. And it is in this light at best, and in none more strong, that we can now possibly consider the order of the 30th of April, 1801. As a recommendatory order therefore, it becomes one about which every officer was at liberty to use his own discretion; which at pleasure he might or might not regard according to his own feelings, the sentiment and circumstances that peculiarly influenced him; and for a non-compliance with which he is answerable only to himself, but cannot possibly be punishable as for disobedience, since a refusal to pursue a mere recommendation is neither in fact nor in contemplation of military law any disobedience at all. In this opinion you must pardon me, gentlemen, for imagining that the general has too much intelligence not sincerely to agree with us. You must pardon me for suggesting, that he has rather betrayed the same opinion both in the time and manner of my arrest, and in the formation of the additional charges presented against me. Two years had elapsed since the date of this order, when he thought fit to revive the subject, and for the first time as it respected me to dictate acquiescence. But as I did not conceal my determination on this head, distrustful probably of his authority to subdue that determination, or perhaps well knowing that he really had no such authority, there might be the greater necessity to call in the aid of other complaints, and to hold over me a fancied rod of terror speciously applied as from a difficult, extensive and remote field of accountability, the combined influence of which it might be calculated would effect that obedience to the order in view, which the want of legal validity in the order itself had not been able to effect. I do not impeach the justice of this policy, and still less would I venture to reflect on its mover; but I barely mention it to you as a probable truth, from which you are capable of drawing your own deductions. If such was the policy, however, gentlemen, as it did not then succeed on me, so I hope now after a careful scrutiny of my conduct arranged in the other specifications, no reason will be left why it should succeed with you. To that scrutiny I willingly submit myself, not with fear and trembling, gentlemen, because so long in the habit of plain dealing, it would be out of all character at this time of life to say that I tremble, when in fact I cannot but feel bold in my own innocence and confident in my own rectitude. Yet I will confess that, having hitherto in times more trying passed through my career of duty without reproach, I had never calculated on being reduced in the down-hill of my days to the predicament of this moment—reduced, gentlemen, to the mortifying condition of being obliged to answer, as for disobedience of order, in a trust, wherein it is no arrogance to say I know myself rather entitled to thanks for a correct and successful discharge of duty with the most complete obedience. But the calculations of man are vain, and the pride of his hope every where perishable! I have no right to expect an exemption from the common lot of human disappointment.

(To be continued.)

MASSACHUSETTS LEGISLATURE.

SENATE, Friday, June 8.

ELECTORS.

The report of the joint Committee on this subject, was taken up.—It recommends, that the whole number of Electors, on the part of this commonwealth, be chosen by the people thereof, at large, in a General Ticket, and that one at least of said Electors be an inhabitant of each district of the commonwealth, established for the purpose of chusing Representatives in Congress.

This report occasioned a long debate; in the course of which several alterations were moved; but the main question, to accept the report, was carried in the affirmative, as follows:

Yeas.—Hon. Messrs. Thompson, Bigelow, Hayward, Brigham, Starkweather, M'Lellan, Hale, Titcomb, Storer, Cushing, Heard, Derby, Hooker, Sears, Russel, Hill, Prescott, Brown, Philips, Quincey, Philips, jun.—21.

Nays.—Hon. Messrs. Bacon, Coffin, Maynard, Ellis, Dean, Hill, Hildreth, Bidwell, Woodman, Howe, Chandler, Morton, jun. and Bartlett.—13.

HOUSE OF REPRESENTATIVES.

Thursday, June 7.

The Committee to whom was referred the speech of his Excellency the Governor, reported an answer which was debated, and accepted; and the committee which drafted it appointed to present the same.

ANSWER OF THE HOUSE.

May it please your Excellency,

The House of Representatives, deeply impressed with the obligation they have taken upon them-

selves to perform the public duties, incumbent upon them, agreeably to the rules and regulations of the constitution, will on their part faithfully endeavour to protect their fellow-citizens in the enjoyment of their lives, liberty and property; and scrupulously observe the *principles* of the constitution; and constantly adhere to *those* of piety, justice, moderation, temperance, industry and frugality, in the formation of the laws necessary for the good administration of the commonwealth.

We are highly sensible of the importance of an impartial distribution of justice to all the people, to preserve an equality among them; and to enable them to enjoy that liberty, which under the protection of law, secures their lives and property; and to unite them more closely together, and attach them more firmly to the state.

We perfectly and most sincerely agree with your Excellency, in your sentiments of civil liberty; in your estimation of order and regularity in society, and in your definition of equality.

Although it be obvious to thinking and cultivated minds, that nothing can be more opposite to liberty than licentiousness; yet it is no less obvious, that, by the undistinguishing, the one is frequently confounded with the other.

To a destitution of correctness of the public sentiment on this subject, is unquestionably to be imputed most of the evils, which have, in ancient as well as modern times, disturbed, convulsed and subverted to their foundations, those sections of the world, on which attempts have been made to maintain republican forms of government.

Knowing—as we *do* know—that it is infinitely easier to enkindle enthusiasm and to set on fire the zeal—than to inform the understanding of men; we cannot watch too critically, or shield ourselves too strongly, against ambitious and designing men, who assnme the garb of patriotism and employ their talents to inflame the passions of the people and excite their contempt of all decency and order.

It is utterly impossible for us to hesitate to concur with your Excellency in the position, that no other equality than that of rights, is wholly inconsistent with the nature of things.

Liberty and equality, as defined by those utopian Philosophers, who have adopted the scheme, that *love* and *reason* impose upon each individual every necessary restraint; and who, with rapid strides, are travelling on with man, to the perfectability of human nature, are highly calculated to undermine all rational liberty; to prostrate all civil society and to blot from the face of earth all sorts of government.

Your Excellency may be assured, that we will spare no exertions, to assist our fellow citizens, in forming correct opinions of the terms, *liberty* and *equality*.

We are feelingly alive to the importance of the experiment, now making in our land, as to the capacity of the American people to enjoy perfect liberty with moderation which has hitherto proved happily successful.—We shall certainly be solicitous to contribute to its success by a faithful discharge of our duty. And we sincerely reciprocate the sentiment, that all the efforts of legislative wisdom, will be unavailing, without the aid of those institutions, which form the manners and morals of the people, and which tend to inspire them with veneration for the supreme being, with reverence to just authority and respect for themselves.

To the communications of your excellency, upon the subject of the judiciary of this commonweath, we will most cheerfully pay every attention, that the importance of the subject and the high respectability of the magistrates, by whom the alteration, of the present system are suggested, demand.

The House of Representatives will not fail to afford their aid in directing the manner, in which the electors, on the part of this commonwealth, of president and vice-president of the United States, shall be appointed.

We rely with that perfect confidence, which the purity and eminence of your excellency's character, and our past happy experience of the fruits of your abilities, wisdom and virtues, fully authorise, that you will co-operate, with the two branches of the legislature, in such measures as shall tend to render the state respectable, to promote justice among our fellow-citizens, and secure to them a life of quiet and tranquility. We at the same time beg you to accept of our assurances, that we will adopt and faithfully preserve, every proper mean to effectuate the same ends.

We on this occasion, congratulate your excellency and ourselves, on your re-election, to the first executive office of this commonwealth. We consider that our fellow-citizens, while they have paid a tribute of gratitude to merit, have strikingly evinced their own integrity, independence and discernment, by thus again exalting you to this high station.

Friday, June 8.

A motion for the appointment of a committee to report a resolve, for dividing the commonwealth into districts, for the purpose of chusing one elector of president and vice-president, in each district which had before been laid on the table by Mr. Morton, was taken up—after debate, it was moved to postpone the consideration thereof, until the report of the joint committee [which report has been accepted in the senate] on the subject of electors, came before the House, which was carried 122 to 111.

Friday, June 9.

The consideration of the report of the joint committee on the subject of choosing electors of president, and vice-president, was assigned for Tuesday next at 11 o'clock.

NOTICE

IS hereby given, that a PETITION will be presented to the next General Assembly to pass a law, to confirm to the subscribers respectively, the title to several parcels or lots of Land, lying on the east side of Gillies Creek, immediately below the city of Richmond, in the county of Henrico, and whereof they are severally possessed, the legal title to which was in John Hague, at the time of his death.

JOHN LESTER.
JOHN LIGGON.

June 10th, 1804.

The Virginia Gazette.

—RICHMOND—

SATURDAY, JUNE 23, 1804.

We mentioned in Wednesday's Gazette, that the trial of Benjamin J. Harris, for the alledged murder of a Negro girl, would take place on Tuesday next. This, however, has proven to be incorrect. He was arraigned on Thursday last at the court-house in this city—it was then determined that he should be committed to jail, in order to have a final trial at the ensuing District Court, which will be held in September next—when a Jury will decide on his guilt or innocence.

FREEDOM OF THE PRESS.—This morning's northern mail brings us the report at length of a trial for a libel at a circuit Court held on Tuesday last, which we have read with the liveliest emotions. It is the case of the people of the state of New-York against Gardiner Tracy, Editor of the Lansinburgh Gazette, for a libel on Morgan Lewis, Esq. Chief justice of this state. The libel consisted in the defendant's having published that "judge Lewis on the trial of Mr. Croswell, refused the defendant the privilege of producing his witnesses." For this it had been deemed expedient by the party now in power to procure the defendant to be indicted. The contested question presented itself whether the truth might be given in evidence; his honor judge Thompson remarked that the law relative to libels had not yet been settled by the supreme court, he considered himself at liberty to deliver his own individual opinion; and said that although a different doctrine had prevailed on the trial of Croswell, he should permit the truth of the words set forth on the record to be given in evidence, not indeed on the principle that the truth would at all times be a justification, for there might be cases, as when for instance, the natural defects of an individual were the subject, in which the truth would aggravate the libel, but he should permit the defendant to avail himself of the truth for the purpose of disproving the malicious intent. He concluded with the broad declaration that the law and the fact were both for the consideration of the jury.

The defendaut proved the truth of the words as spoken; the judge in his charge to the jury repeated his former opinion; they retired for a few minutes and returned with a verdict of acquittal.—We cordially congratulate the public on this first and honorable decision of our juries in favor of the *liberty of the press*.

(N. Y. Ev. Post.)

It is with much satisfaction we advise the public that the Post-Master General, has made contracts for the ESTABLISHMENT of a LINE of STAGES for the more safe conveyance of the mail, from this city to Chambersburg, and from Baltimore and Philadelphia to the same place, and from thence to Pittsburg. This arrangement commences on the 1st of July.

Contracts have likewise been made for the establishment of a line of Stages from Richmond to Staunton, and from that place to Air Mount in Virginia, making a distance of 238 miles.

(Nat. Int.)

A gentleman, who left Concord yesterday se'nnight, informs, that Mr. Langdon was chosen Speaker of the House of Representatives of the state of New Hampshire by a majority of about 14, and that Mr. Waldron was appointed to fill the vacancy in the Senate. The Governor had not been declared when the above mentioned gentleman left Concord; he however observes, that no doubt was entertained of the re-election of Governor Gillman.

(Boston Gaz.)

[Another account from Newhampshire, dated on Thursday, says that Mr. Langdon was chosen speaker by a majority of 18; and that no choice of Governor being made by the people, that office would assuredly devolve on Mr. Langdon.]

NEW-YORK, June 13.

By the schooner Jane, captain Meagher, arrived at Boston on Thursday, in 23 days from Snrrinam, a Dutch paper was received, which contains the articles on which that place was surrendered to the British on the 4th ult. It is signed by General Green and Commodore Hood, on the part of the English, and Colonel Batenburg, on the part of the Dutch. The dutch garrison were permitted to march from the forts with the honors of war; the officers to retain their arms, the soldiers to ground theirs, and to be sent to Europe as soon as good vessels could be procured, but not to carry arms against his Britannic Majesty. Article 5, proposed that no Dutch soldier should be employed in the British service—the answer was, that no Dutch soldier should be enlisted unless he was willing.—The inhabitants were to be protected in their lives and property.

The following Proclamation was issued after the British had become possessed of the place.

PROCLAMATION.

Whereas the settlement of Surinam, and its dependencies, has surrendered to the arms of his Britannic Majesty, and thereby become a colony of the united kingdom of Great-Britain and Ireland, we have judged necessary by these presents, to enjoin all the good inhabitants of this place, to conduct themselves with regularity, and tranquility, and as behove the loyal subjects of his said Majesty. We do further give them the fullest assurance, that their professions and property shall in every respect be secure, and protected, for which purpose the strictest orders have been given to the troops; and that the interests of the inhabitants of Surinam, as his Majesty's subjects, have been particularly recommended to us.

We do also make known to all persons that the government of this colony and its dependencies is to be held by Major General Sir Charles Green, until his Majesty's pleasure is known.

Given under our hands at Head Quarters Paramaribo, the 7th May, 1804, and in the 44th year of his Majesty's Reign. God save the King.

(Signed) CHARLES GREEN.
SAMUEL HOOD.

In Proclamation, dated May 8, General Green declared, that the laws, customs and usages, as they existed at the period of the colony being given up to the Batavian Government, are to remain in force until his Britannic Majesty's further pleasure shall be known.

The Jane and several other American vessels, were ready for sea when the British appeared before Surinam, and were detained 18 days, until the capitulation of the place was completed. We understand that some opposition was made to the English forces.

FROM FOREIGN PAPERS.

The ministry of Portugal has undergone a sensible change, by the resignation of the count *d'Almeida*, who had the direction of foreign affairs; this department is now entrusted to Viscount *Balsemão*, as well as that of the inferior which he before held, M. De *Souza Countinho* at the head of the treasury, and the viscount *d'Anadia*, retains the department, of the marine colonies, and D'Almeida's removal is attributed to an illicit dependence on Great Britain.

General Hedouville formerly well known in the United States, and subsequently in the West Indies, continues to represent the French government at the court of Petersburgh.

Gen. Poultre, an aid de-camp of the French ambassador Hedouville has made a tour of the shores of the Euxine sea, the interior of the Crimea, and the Grecian coast, of which he had made a report to the prince Constantine, brother to the emperor of Russia, which was well received.

Gen. Poultre was in a few weeks afterwards dispatched to Paris, by his principal.

Gen. Poultre prior to his departure from Petersburgh, was presented on the public parade to the emperor Alexander, in order to take leave. It is said he received a letter from the emperor, to be delivered personally to the first Consul.

MALTA, February 10.

It has hitherto been the custom when the subjects of neutral powers were found on board a merchant ship, taken under the flag of an enemy, to liberate them on being claimed by their respective consuls. The English naval commandant has acted contrary to these principles, and refused to deliver up a Danish sailor found on board a Dutch prize, though claimed by the Danish Consul.

M. D'Entraigues, lately counsellor of the Russian legation at Dresden has been ordered to quit that court. This is the same M. D'Entraigues in whose possession was found the correspondence of Pichegru for delivering up the position and camp he commanded near Huningean to general Wurmsur.

The first consul gave a private audience a few days ago to rear adm. Latouch Traville, who is just arrived from Marseilles. Undoubtedly the unhappy posture of affairs at St. Domingo was one of the principal subjects discussed at this audience: an other might be the projected expedition against England. The invasion will certainly be attemped; the execution of it is expected—is provoked by the English. So far are they from thinking of the slightest approximation to peace in the present crisis, that the last pacific reports which were in circulation in London were treated by the English papers rather as Ruses de Guerre, on the part of the enemy or as proofs of a sense of weakness. Need we have much knowledge of the human heart to foresee the effect of this reciprocal irritation? Will not France after so many preparations, after so many menaces take up the glove that is thrown down to her? The first consul is determined to do it, and the shock will be terrible. Hence so far from concealing any longer at Paris the bitter invectives of the English Journalists against the republic and the first consul, the Official Journal publishes them word for word, and the other papers copy them as so many accusations against England. In the extremity, it is not necessary to say, that the two contending governments are using every effort with other powers, hitherto tranquil spectators of the contest, to interest them directly in favor of their cause.

The Mercure de France has drawn the following picture of this diplomatic movement. We see in it, besides some interesting facts, the manner in which the whole is represented in France:—"As certain fatigued and harrassed animals endeavour to draw into the chase with them other animals of the same species, in order to deceive or divide the attention of the hunter, so does England pervade all the powers of Europe to ascertain whether any of them will have the complaisance to partake her perils and her situation. Here she terrifies the grand Seignior by the pretended preparations of France, destined against Macedonia or the Archipelago; she endeavours to save herself from the effect of her manœuvres in Egppt by telling the grand Seignior with much naivete, that he ought to be despoiled by her, for fear of his being plundered by France.—There, she solicits Russia to assume, at least an appearance of hostile attitude; she would willingly charge herself with the government of the Russian Cabinet, and give it a minister of foreign affairs of her own making. The courts of Vienna, Spain, Berlin, and Naples, are not neglected; they hear repeated without ceasing, the old common place of the ambition of France and the disinterestedness of England. These manœuvres happily remain without success; every power has been deaf to these illiberal insinuations. In spite of England, M. D'Entraigues has received orders to quit Dresden; Count Woronzow, the Russian Ambassador, is not going next spring to assume the administration of the foreign department. Spain and Portugal aspire, as well as Naples, to taste the blessings of repose; Vienna and Berlin are more than ever determined to take counsel only for themselves. What is called in Europe the English party is falling more and more into discredit. We have even room to hope that the northern courts will measure back their precipitate steps which made them abandon the great principles established by Catharine the second relative to the armed neutrality. It is certain at least, that our ambassador at Vienna has delivered a detailed pro-memorial upon the subject; he demanded at the same time that the court of Vienna should come to an understanding with other neutral powers, in order to determine and adopt the principles established in the memorial. It is added, that a similar step has been taken by all our ministers at the courts of Petersburg, Berlin, Stockholm and Copenhagen. It is said that a Russian officer arrived lately at Copenhagen, with important dispatches from his government for the Russian minister at our court. We cannot say whether these dispatches relate to the question submitted by France; but it is probable."—Yet it is doubtful whether there have been any communications respecting the armed neutrality between the cabinets of France and Russia, through the medium of the Russian ambassador at Paris; for he has for a long time had no communication with the French government, till within these few days, when he sent a note to M. Talleyrand to inform him officially that his master had conferred upon him the order of St. Andrew. He is to quit Paris immediately; but he will not have quitted it till after having received from his court a signal proof of the emperor's approbation of his conduct, which on the contrary seems to have displeased the French government so deeply as to induce them to desire his recall.

Selected Poetry.

A SUBLIME ODE
TO THE GREAT CONSUL:
By Peter Pindar, Esq.

Most gallant, noble BONAPARTE,
For our invasion all so hearty,
Equipping millions to come over
To eat Old England at a mead,
I guess that thou wilt land at Deal,
Likewise near Thames's mouth and Dover.

Remember that the historic page
Records that in his tyger rage,
Thy brother ALEXANDER, spared the arts;
He never PAINTER kill'd, nor BARD,
But loaded them with fair reward,
Instead of stones, and pikes, and darts.

And when he came to Thebes! what then?
Why then—he ordered all his men
To spare the sacred house of Pindar;
And not, amidst the conflagration,
Wild uproar, and devastation,
Reduce it to a perfect cinder.

'Twas done—the house with all its handsome tackling,
Stood safe and sound, while all the rest were crackling.
Consul!—a BARD of much renown,
By far the best of this fair town or rather CITY;
A bard of genius most sublime,
Whose works defy the teeth of TIME:
Exceeding humorous too, and quaint and witty;
Wishes to have his goods and chattels
Safe from the ruin of thy battles.

Yes! midst the fire, and smoke and smother,
Copy thy little wry-neck'd BROTHER,
And thou shalt be immortal in my metres;
Say—"since the son of Philip spar'd
The dwelling of the Theban Bard,
By heaven I'll spare his English cousin PETER.

POSTSCRIPT.

Mind!—in thy face I never spit
Like GRENVILLE, WINDHAM, BILLY PITT,
And servile Parasites—their tools;
No—for I blush'd for all the squad,
Thinking them either drunk or mad,
And call'd them all a pack of fools.

STRANGE FEELINGS.

Near yonder cot upon the Moor,
Whose grey smoke winds in many a curl—
I met this morn a lovely girl,
Knitting beside the cottage door.

With many a modest damsel oft,
I've squandered foolishly my time,
Played with their hands and cheeks so soft,
Or hitch'd them up in many a rhyme.

But when I turned to go away,
My bosom felt no tickling pain;
And scarcely did I hear them say,
I'd thank you Sir, to call again.

But when I saw this lass so fair,
Her floating eye so blue and round,
Its lustre I could no more bear,
But bashful look'd upon the ground.

My jealous pride then took alarm;
Face her, it whisper'd o'er and o'er;
Look up, she cannot do thee harm,
Dids't thou ne'er see a girl before.

Rous'd from the dream, I rais'd my hat,
And thought some civil thing to say;
I look'd, my heart went pit-a-pat,
And glad was I to get away.

Yet tho' I hurried from her sight,
Roam wheresoe'er my footsteps will,
That full blue eye, that face so bright,
Will haunt me like a spectre still.

The Court of Hustings of the city

of Richmond have established the following rules concerning applications for licences to manufacture Tobacco within the said city, viz.

"All applications to the said Court, for licences to manufacture Tobacco, must be made one month at least previous to the time of granting thereof, and the name or names of the applicant or applicants entered on the records of the said Court, and inserted in all the newspapers published in the city of Richmond."

☞ In pursuance whereof, Public Notice is given, that from the records of the said Hustings Court, it appears that Daniel Triplett and John Widewilt intend to apply for licence severally to manufacture Tobacco within this city.

By order of the Court,
ANDREW STEVENSON, D. C.
June 21st, 1804. 197ab

4439 Acres of valuable

LAND,

IN the south of Kentucky, the greater part Military, will be sold for good bonds or exchanged for property in the state of Virginia. Enquire of the Printer hereof.

December 26th, 1803.

For Sale,

A VERY valuable tract of *LAND*, in Frederick county, Virginia, bordering with rich low ground, on the Shenandoah river, just above Berry's Ferry.

This land may be purchased all together, or in small parcels from 50 to 250 acres. The terms of payment are, one fourth on the first of January next, when possession will be given; the remainder in three equal annual payments, to carry interest from that day: approved security will be required. Apply to the subscriber, who will be in Frederick, the months of May and October next—the intermediate time in Amherst county.

Thomas Massie.

March 19th, 1804. 3m.

Just Received,

And for sale by the subscribers, a large assortment of the following Articles, which will be sold very low for cash, or on a short credit for approved acceptances in Richmond—viz.

A large assortment of Calicoes and Chintzes.
A ditto Cotton Cambricks, plain, figur'd and black.
A ditto Silks and Florentines and Silk Keens.
Cotton and Silk Stockings.
Silk and Cotton Umbrellas and Parasols.
Black, blue, yellow and striped Nankeens.
Laces, Edgings and Ribbons.
Tambour'd Lace and Lappet Muslins.
Silk Gloves, of all colours.
Men, Boys and Children's Hats.
Cotton, Cassimeres and India Cotton.
Brown Holland and Durants.
Romals, Handkerchiefs, Dimities, &c. &c.

Block & Judah.

April 25th, 1804.

(*BY AUTHORITY.*)

Scheme of a

LOTTERY,

To build an Academy in the city of Richmond.

			Dollars.
1	Prize—last drawn ticket, having a blank to its number,		20,000
1	do.		10,000
1	do.		5,000
3	do.	of 1,000 make	5,000
6	do.	of 500 ——	3,000
10	do.	of 200 ——	2,000
20	do.	of 100 ——	2,000
100	do.	of 50 ——	5,000
250	do.	of 30 ——	7,500
420	do.	of 25 ——	10,500
1,500	do.	of 20 ——	30,000
3,000	do.	of 15 ——	45,000
1	first drawn ticket after 1,000, having a blank to its number,		250
1	do.	after 2,000 do.	250
1	do.	after 3,000 do.	250
1	do.	after 4,000 do.	250
1	do.	after 5,000 do.	500
1	do.	after 6,000 do.	500
1	do.	after 8,000 do.	500
1	do.	after 10,000 do.	500
1	do.	after 12,000 do.	500
1	do.	after 13,000 do.	500
1	do.	after 14,000 do.	1,000
5,325	Prizes,		150,000
9,675	Blanks—not two to a Prize.		
15,000	Tickets at 10 Dollars each,		150,000

N. B.—Prizes subject to a deduction of 15 per cent.

This Lottery has been authorized by the Legislature of Virginia, for the laudable purpose of erecting a seminary of learning in or near the metropolis of this state. With this view it is contemplated to raise 20,000 dollars, and 2,500 dollars in addition, for defraying the expences attendant on drawing the Lottery. Citizens of the first respectability have been selected as trustees, and they have pledged themselves to use their utmost exertions to carry it into effect. The scheme has the advantage of giving to each adventurer, a chance for some very large prizes, whilst the proportion of prizes to blanks, is so great as to invite the friends of the intended institution to partake of the lottery, with little risk of their becoming losers. The treasurer of the state is to be appointed to receive the money for the tickets as they are sold, and to pay the amount of the prizes to the fortunate adventurers. It is believed that the above considerations will induce a rapid sale of tickets, and the drawing will commence as soon as a sufficient number shall be sold to authorize it—which it is believed will be on the second Monday in December next.

Richmond, January 31, 1804. tf.

*** TICKETS to be had of Robert Pollard, Dr. John Brockenbrough, jun. Wm. Price, (Reg.) Samuel Pleasants, jun. and William Prichard.

GILLIAT & KIRBY,

Have just received, by the late arrivals from London and Liverpool,

A GENERAL ASSORTMENT OF

SPRING GOODS,

WHICH are now opening, and will be sold at their usual low prices, for Cash or Country Produce.

Richmond, May 8, 1804.

FAMILY FLOUR.

A CONSTANT supply of FLOUR, of a superior quality, for family use, kept for sale by

GEORGE WATT.

Richmond, March 5, 1804. tf.

Richard Smyth,

FORMERLY OF THE CITY OF RICHMOND,

INFORMS his friends and the public, that he is now settled in New-York, in the

Wine, Liquor and Commission Line,

And offers his services to transact business at that place. He is ready to receive produce of every description, and to make liberal advances, either in cash or by procuring and forwarding such goods as may be required in return; and is now provided with *fire proof* Stores, Cellars and Vaults, in a very eligible situation in New-York, for sales and commission.

Richmond, May 4, 1804. tf

MESSRS. *Pickering, Snell*, and two other persons, of the name of *Gale*, supposed to be residents of the state of *South Carolina*, or *Georgia*, who went to *Baltimore*, some time in July or August last, to purchase *Slaves*, are desired to take NOTICE that BEN, who they bought of *Abraham Ware* of *Hartford county* in *Maryland*, is now in the *Jail* of this *city*, as a *Runaway*. He formerly belonged to *Peter Poteet* of *Baltimore*, and afterwards to a Mr. *John Street* of *Hartford county*, who sold him to Mr. WARE. He is stout, active, strong, well looking very black man, of about 26 or 27 years of age, and 5 feet 8 inches high. He says that, in September last, he and about 25 or 30 others were landed out of a schooner, at *Smithfield* on *James River*, and marched by the above persons, into South Carolina and Georgia, and that *Pickering* sold him somewhere about 50 or 60 miles on the other side of the South Carolina line to a farmer of the name of HOLBERT, who owned a mill. He staid but a few days with his new master before he set off to the *Northward*, under the assumed name of *Bob Benfield*. The subscriber has received a letter from a gentleman in Baltimore corroborative of the above, and who has known him some years. His owner is requested to come, or send for him, and on producing such credentials as the law requires, will be delivered on payment of fees and this advertisement, by

William Rose.

Richmond, Jan. 13, 1804. tf

Spring Goods.

WILLIAM TEMPLE,

Has received by the ship Rebecca, from London, and the Yorkshire, from Liverpool,

AN ASSORTMENT OF

GOODS,

Suitable to the season, which he will dispose of on the usual terms.

Richmond, May 8, 1804.

Spring Goods.

ROBERT GAMBLE & SON,

Are receiving by the ship *Little William*, from Liverpool, and other arrivals from Europe,

Their Spring Assortment of

MERCHANDIZE.

THEY are also supplied with East and West India Goods; all of which they offer for sale on moderate terms, for Cash, merchantable Produce, or on the usual credit to *punctual* customers.

They continue to receive on *Storage*, and to sell on *Commission*, Flour, Tobacco, and other Country Produce; and flatter themselves their conduct will continue to merit general approbation.

Richmond, May 15th, 1804.

Forty Dollars Reward.

RUN away from the subscriber, on Sunday the 8th of April, 1804, two Negroes, viz—PHILL and CHLOE his wife. Phill is between 30 and 40 years of age, 5 feet and a half high, of a thin visage, and moderately spare, has thick and pouting lips, looks sullen or angerly, has rather a hoarse and lazy kind of voice or speech, has a scar on his upper lip, and his left arm has been broke. He is of a black complexion, understands ditching, but works slow in consequence of his arm having been broke. Chloe is a large well made woman, and of a brighter complexion, about the same age of Phill, has no mark that I recollect. These two Negroes were purchased from the estate of Col. John Gordon, dec. I will give the above reward to any person who will deliver them to me at Lancaster court-house, or secure them in any jail so that I get them again, or 20 dollars for either.

Leroy Nutt.

April 20, 1804,

TO BE LET,

On building leases, three beautiful, airy and elevated situations for Dwelling Houses. To any gentleman in the mercantile line, or other occupation, who wishes a pleasant and agreeable residence for his family, either of these sites would be truly desirable, as they are contiguous to the scene of active business, while they are at the same time removed from the dust and noise of the city. Enquire at the office of this Gazette.

April 23, 1804.

☞ An experienced, sober and attentive GARDENER will hear of an advantageous situation, on application as above.—None of opposite character need apply.

ALL those that are indebted to the estate of John Sandige, dec. are requested to make immediate payment, as no further indulgence can be given; and all persons having any demands against the estate of the said decedent, are to come forward with their accounts properly authenticated, on or before the first day of September next, in order to receive payment. All those that do not apply in the aforesaid time, may expect not to receive payment, as the executors intend to close their accounts as executors, and deliver the estate into the hands of the legatees; and this advertisement will be plead in bar against all such claims.

WM. SANDIGE, } *Executors.*
WALLER SANDIGE, }

Amherst, May 25th, 1804. 3w.

SALES AT AUCTION.

On Wednesday the 27th instant, for approved indorsed Notes at 90 days,

TWO PIPES OF OLD TENT WINE,

I. H. No. 8 & 9. } *Brand.*
(*Marked*) } *Alder.*

SHIPPED by Charles Alder & Co. of Madeira, in the Roborcus, Alexander Milliken master, for Norfolk, and charged at £70 sterling per pipe. The Wine is now lying in the cellar of Mr. William Wiseham, and will be there sold to the highest bidder for account of the shippers.

THOMAS TAYLOR & Co. v. m.

Richmond, June 13th, 1804.

PROPOSALS,

BY JOHN DIXON,

For printing by subscription, a *Periodical Work*, to be entitled—The

VIRGINIA MAGAZINE;

OR

MONTHLY MISCELLANY.

CONDITIONS.

I. The work to contain 68 pages (*Octavo*) monthly, of selected miscellaneous prose, and of original prose also, whenever the exertions of the Editor, and his Assistant, and the communications of correspondents can supply it.

Of improvements and experiments in Agriculture, with which the Editor hopes to be furnished by the Farmers, &c. of this and other states, or to select himself.

Of Debates in Congress.

Of Foreign and Domestic Intelligence.

Of selected Poetry, and original too, whenever good can be procured, and not otherwise.

Of Marriages and Deaths.

Of Prices Current.

II. The work to be printed on good paper, and with a neat type.

III. The price to subscribers to be Four Dollars per annum, one half to be paid on the delivery of the first number, and the balance at the expiration of six months after.

IV. The work to be put to press as soon as 300 subscribers are obtained.

PROSPECTUS.

The utility and rational amusement derivable from well conducted Magazines, probably will not be controverted. They afford an asylum to many fugitive essays, that might otherwise meet with a more rigorous fate than they merit. The brevity of their articles and their longer duration of existence than that of some other periodical publications, hold out an inducement to that indolence, too frequently the attendant of Genius, and to those pressed by the cares of business, to devote an hour or two to their own entertainment, and the pleasure and instruction of the community, while the greater variety of subjects they comprise, gives them a decided superiority over several other works. For they contain something to suit the palate of every one, and may be particularly pleasing and instructive to those who have not the inclination or the leisure to peruse more prolix writings. There are few countries, where a love of reading prevails, and science is regarded, in which Magazines are not numerous and well received. And yet the subscriber thinks he is correct in saying, that not one is published in the respectable state of Virginia. He designs to publish one, principally of a literary complexion, provided he obtains adequate support, in which case he flatters himself, that his exertions will prove fully satisfactory to his patrons. For any reluctance to subscribe, arising from a non-compliance of any persons who may have issued proposals, similar to the foregoing, the subscriber has it only in his power to say, that he pledges his honor to comply with his engagement, if supported by the public.

John Dixon.

☞ *The Printers in this state are requested to insert the above in their newspapers.*

☞ Subscriptions received at the Office of the Virginia Gazette.

NOTICE.

THAT a petition will be presented to the next General Assembly of Virginia, praying for an amendment or repeal of an act passed at their last session, entitled, "An act for improving the navigation of James River."

Richmond, May 28, 1804.

The Subscriber

Has just received from Philadelphia and New-York, the following

GOODS,

Which will be sold low for Cash, Country Produce, or approved Acceptances at 60 or 90 days:

Muscovado Sugar and green Coffee, of a superior quality.
Double and single refined Loaf Sugar.
Old Antigua, Jamaica & and W. I. Rum.
Cogniac and Apple Brandy.
Hollands Gin.
Caldwell Frasure & Co's. superfine Chocolate.
Dixon's Mustard in boxes of 6 doz.
Pepper, Ginger, Pimento and Nutmegs.
Mace and Cloves.
Fresh Oil, Olives and Capers.
Martinique, Noyau and French Cordials.
Box Raisins and soft shell Almonds.
Copperas, Madder, Allum, Brimstone, and ground Ginger, in small kegs.
Logwood Turkey Cotton.
Spanish and Bengal Indigo.
New-York Candles and Soap.
Dutch Cases with plain and gilt Bottles.
Sherry Wine, of a superior quality.
London Bill Madeira, warranted 4 & 7 years old.
China Bowls from pint to six quarts.
Tea and Coffee Cups and Saucers.
Cut & plain Lemonades.
Cut Jelly Glasses.
Salvers, half pint, quart, half gallon and gallon Tumblers.
Gunpowder, Imperial & Young Hyson Teas.
Patent Shot, assorted.
Hamilton & Son, and Thomas Leiper's Snuff.
Patent night Lamps.
Writing and Wrapping Paper.
Spelling Books & Primmers.
Sole Leather and Calf Skins.

Also, received from Bristol, by the ship Olive Branch,

Earthen and Stone Ware, in crates. ‖ *Double Gloucester and Brick Cheese.*

JAMES FISHER.

Richmond, June 1st, 1804 6t.

NOTICE.

THE drawing of the LOTTERY for the benefit of William and Mary College has been postponed, on account of unforeseen circumstances, until the 2d *of July*; on which day, the commissioners have determined, that *it shall certainly commence*. Those who are desirous of purchasing Tickets will, no doubt, avail themselves of the intermediate time.

Gentlemen, who have been so friendly to the interests of the College as to undertake the disposal of Tickets, are hereby *particularly requested* to forward, without delay, to the subscriber, or any other of the commissioners, a list of the Tickets sold, and of those remaining on hand. They are also requested to pay the money, which they have received for Tickets sold, to either of the following gentlemen, viz.—George Tucker, of Richmond; Watkins Leigh, of Petersburg; Littleton Waller Tazewell, of Norfolk; Hugh Mercer, of Fredericksburg; or Robert Greenhow, of Williamsburg.

Signed by direction of the Commissioners,

J. MADISON, Chairman.

William & Mary College, June 2d, 1804.

At a Court of Appeals held at the Capitol in the city of Richmond, the 21st of May, 1804.

ORDERED, that the following rules be published in the Richmond gazettes for one month.

November 18th, 1803.

Rule.—In all cases whether of appeal, writ of error, or otherwise, the court will proceed to a hearing at the term to which such case shall be returned, or sent up, unless good cause shall be shewn to the contrary.

May 15, 1804.

Rule.—A clear and concise state of the case of each party in an appeal, writ of error, or supersedeas from a decree of the high court of chancery, or any district court in chancery, or from a judgment of the general court, or any district court in which a demurrer, special verdict, case agreed, demurrer to evidence, bill of exceptions, or point reserved, shall constitute a part of the record, or exhibits in the cause, with the points insisted on, signed by his counsel and printed, or fairly transcribed, the expence whereof shall be taxed in the bill of costs, shall after the end of this present term, be delivered to each judge, time enough before the hearing of the cause, and that no error, other than such as shall be pointed out, and insisted on in such statement, on the part of the plaintiff or appellant, shall be (without leave of the court) admitted as a ground for argument on the hearing of the cause, or for reversal of the decree or judgment sought to be reversed. And that all depositions and exhibits, accounts and articles intended to be relied upon, or objected to in the argument, be particularly noticed in such state, and recited, and a reference thereto in the official copy of the record in the cause made.

May 21, 1804.

Rule.—That after the end of this present term, all causes depending in this court, which shall be ready for hearing, in pursuance of the rule of this court, made on the 15th day of this present month, shall, unless good cause be shewn to the contrary, be heard in the same order in which they stand on the docket.

Teste,

J. Brown.

Richmond, June 15, 1804.

OUR clients in the Court of Appeals will perceive that the foregoing orders require particular duties, expences and attention, which were not expected, when we were retained by them. As we cannot fail to comply with these requisitions of the court, without danger to their interest, and the rule that causes shall be tried according to their standing on the docket, renders it necessary that we should be constantly present, and ready for the argument—we trust that our client's will see the propriety of an adequate compensation for our services.

PHILIP NORBORNE NICHOLAS.
EDMUND RANDOLPH.
JOHN WICKHAM.
GEORGE HAY.
DANIEL CALL.
JOHN WARDEN.

Westham Iron Foundery,

NEAR RICHMOND.

THE subscriber takes the liberty of informing the Public, that he has taken a lease, and is at present working, the above Foundery; and having provided the best artists in that line, from New-York and George-Town, together with Pig Iron, of the first quality, proposes to cast, Mill Gudgeons and Inks, of every description; also, cast Iron Wheels for the Machinery of Mills; Rumford, registered and plain Grates; grate front and bottoms, for Rumfordizing fire places; large and small stoves; Franklin Stoves, for wood or coal; kitchen grates, with crane and range complete; coach warmers; plain stoves and maul'd plates; cast railing of every pattern, plowshares & plow boards; cast coach, phæton and chair boxes; scale weights from 1 to 60 lb.; sash and clock weights: patent taw irons for smiths, on a very approved plan; backs, jams and back lays; nail cutting machines with screws complete, wheel barrow bowlers; garden ditto; cast iron anvils; fire dogs and hand irons of every description—together with any other article in the casting line, to a given pattern, at the shortest notice, by application at the furnace, or to

JAMES DUNLAP, in Richmond.

March 24th, 1804. w3m.

P. S. Old Iron purceased by application as above.

FOR SALE,

A Tract of Land,

LYING in the North Garden, in Albemarle county, containing one thousand acres, adjoining the lands of Stephen Moore, William Wood, and the late William Cole, dec. within eighteen miles of Warren, and the same distance of Milton.—There is on this land a new Barn, 48 by 24 feet, a good Overseer's House, & houses for the accommodation of fifteen or twenty Negroes—The overseer's house, with a little expence may be rendered very comfortable for a small family. About half the land is cleared, and the greater part of which is in good order for cultivation, and a considerable part of it fresh and well adapted to the culture of corn, wheat and tobacco.

Any person inclined to purchase, by application to the overseer on the premises, will be shewn the land. The terms of sale will be one fourth part of the purchase money paid on the 1st day of June, 1805, and the balance in three equal annual payments from that day, each instalment to carry interest from the day of sale, if not punctually paid.—Bond with approved security, together with a deed of trust on the land, will be required of the purchaser, to secure the payment. For further particulars apply to the subscriber, living at Scotch-Town, in Hanover county.

If the above land is not sold before, it will be offered at PUBLIC SALE to the highest bidder, on the terms before mentioned, on the 23d day of August next, if fair—if not, the next fair day. In either case, the purchaser will have leave to seed wheat as soon after that time as he may choose—and may be furnished with the crop of corn, &c. that may be made on the plantation this year, say from two to three hundred barrels.

John M. Sheppard.

Scotch Town, May 30, 1804. t23A.

☞ *The survey by which the turnpike road from Staunton to the Point of Fork, is to run, goes immediately through the above mentioned land, convent to a handsome situation for building, and good water.*

J. M. SHEPPARD.

Bacon Hams.

THE subscriber has received a parcel of very fine HAMS, which he will sell on moderate terms. Applp at Messrs. Wm. Brown & Co's.

James Brown, jun.

June 16th, 1804.